

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

ERIC DAILEY

PLAINTIFF

V.

NO. 5:08-CV-05001-JLH

CPL. DIANE SPAIN

DEFENDANT

**ORDER**

Before the Court is the Defendant's Motion to Compel (Doc. 14) filed July 7, 2008 to the First Set of Requests for Production of Documents, First Set of Interrogatories, and an Authorization for Employment Information and Limited Authorization to Disclose Health Information. The Plaintiff has not filed any specific objections to the Request for Production or Interrogatories and has not filed any Response.

In the Motion the Defendant state that they propounded discovery request to the Plaintiff on May 1, 2008. (Doc. 14-2) The Plaintiff responded to the requested discovery on May 29, 2008 stating that the "request for production of information is respectfully denied". (Doc. 14-3) The Defendant did send another request to the Plaintiff on June 2, 2008. (Doc. 14-4)

The Defendant has requested information discoverable per Rule 26 of the Tules of Civil Procedure. Failure to answer discovery request may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided in Rule 26(c) of the Rules of Civil Procedure.

Under the Federal Rules of Civil Procedure, plaintiff had thirty (30) days to respond to the discovery requests. Fed. R. Civ. P. 33(b)(3) & 34(b). Plaintiff did not request any extension of time to respond to the discovery requests. Therefore, plaintiff has failed to respond in the time provided by law.

Accordingly, defendants' motion to compel (Doc. 14) is **GRANTED**. Plaintiff is directed to provide defendants with the required responses to the discovery requests **by 5:00 p.m. on August 11, 2008**. The failure to comply with the court's order may result in the case being dismissed.

IT IS SO ORDERED this July 28, 2008.

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**/s/ J. Marschewski**

HONORABLE JAMES R. MARSCHEWSKI  
UNITED STATES DISTRICT JUDGE